

Before the
Federal Communications Commission
Washington, DC

ORIGINAL

In the Matter of)

Amendment of Section 202(b),)

Table of Allotments,)

FM Broadcast Stations)

(Dos Palos and Livingston, California))

RM-

To: Chief, Allocations Branch)

RECEIVED
MAR 20 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**PETITION FOR RULEMAKING**

All American Broadcasting, Inc., licensee of Station KNTD(FM), Facility No. 1009,
Livingston, California, by its attorney, hereby requests that the Commission amend the FM Table
of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Livingston, California	240A	—
Dos Palos, California	----	240A

The Petitioner also requests the modification of the license for KNTD(FM) to specify Dos Palos,
California. In support thereof, the following is stated:

The Commission will allow an allotment to be reassigned to a new community of license
where the new allotment is mutually exclusive with the current allotment, and the reallocation will
result in a preferential arrangement of allotments. *Amendment of the Commission's rules
Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4
FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). The Commission's has
an established allotment criteria which was set forth initially in *Revision of FM Assignment*

No. of Copies rec'd 014
List ABCDEMMB

Policies and Procedures, 90 F.C.C.2d 88 (1982), which establishes the following allotment priorities:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters

In this case, the proposed reallocation will allow Dos Palos to be allotted its first local service.

Dos Palos is an incorporated community, governed by a Mayor and a four-member town council, and which has its own fire, police, water, and sewer services. There are numerous businesses, churches, residential areas, clubs, and organizations located in Dos Palos. Moreover, the community of Livingston will continue to be served by Stations KLVN and KYCC, both of which are licensed to Livingston. Consequently, this proposed reallocation will result in a preferential arrangement of allotments. Additionally, as seen by the Engineering Statement attached hereto as Attachment 1, adoption of this proposal is mutually exclusive with the existing Livingston assignment, and is in full accord with the Commission's technical spacing rules. An actual transmitter site exists with respect to the proposed reallocation at which predicted full city-grade service can be provided to the new proposed community of license; the proposed reallocation will not result in the allotment being moved to an Urbanized Area; and the area that no longer will be served by KNTO will continue to be well served, by at least five existing services. Therefore, this Petition is full accord with the Commission's policies.

In the event this Petition is granted and the allotment is made to Dos Palos, All American will expeditiously file an application for construction permit for service to the new community.

Accordingly, All American Broadcasting, Inc. respectfully requests that this Petition be adopted, and that the Commission issue a *Notice of Proposed Rulemaking* proposing to amend the FM Table of Allotments in the manner specified above.

Respectfully submitted,

**ALL AMERICAN BROADCASTING,
INC.**

By: 

Dan J. Alpert

Its Attorney

The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
(703) 243-8690

March 20, 2000

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
ALL AMERICAN BROADCASTING, INC.
RE-ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA
March 2000

TECHNICAL EXHIBIT

Copyright 2000

**PETITION FOR RULE MAKING
ALL AMERICAN BROADCASTING, INC.
RE-ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA
March 2000**

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of All American Broadcasting, Inc. ("AAB"), licensee of station KNTD, Channel 240A, Livingston, California. AAB proposes to re-allot Channel 240A from Livingston to Dos Palos, California. The re-allotment will provide Dos Palos with its first local transmission service and will not deprive Livingston of its only local service. The proposed allocation of Channel 240A to Dos Palos is mutually exclusive with the present allocation of Channel 240A at Livingston.

Discussion

2. AAB is proposing to relocate Channel 240A from Livingston to Dos Palos, California. The community is located in southern Merced County, California. Dos Palos, incorporated in 1935, has a 1990 population of 4,196 persons. Dos Palos is governed by a Mayor and a four member town council. Dos Palos provides its own fire and police services to its residents. The city also provides water and sewer services. The city schools are provided by the Dos Palos-Oro Loma Unified Schools District. There are numerous businesses, churches, residential areas, clubs and organizations located in Dos Palos.¹

1) Data from the www.dps.k12.ca.us web site.

3. Dos Palos is not located near any Urbanized Area, as defined in the 1990 Census.² As such, no Tuck analysis is required with respect to this proposal. The allocation of Channel 240A to Dos Palos will provide first local transmission service for the community. Further, the removal of Channel 240A from Livingston will not deprive the community of its only local service since FM stations KLVN and KYCC will remain authorized in Livingston.

Request

4. Channel 240A can be allotted to Dos Palos, California, with a site restriction of 13.8 kilometers northwest of the community in order to avoid shortspacing KJFX, Channel 239B, Fresno, California, and reference coordinates North Latitude 37° 04' 03" and West Longitude 120° 44' 52". As shown on Exhibit #1, Channel 240A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.³ Exhibit #2 is a usable area map denoting the area in which to locate a transmitter site for Channel 240A at Dos Palos. From the proposed reference site, a 3.16 mV/m contour will be delivered to Dos Palos.

-
- 2) The nearest urbanized area is Merced, California, which is outside the theoretical 60 dBu contour of the proposed Dos Palos facility. The present KNTD 60 dBu contour extends into a part of the Merced urbanized area, but would be withdrawn as a result of this proposed re-allotment.
 - 3) The proposed allocation site is more than 320 kilometers from the United States border with Mexico, therefore, no concurrence is necessary.

5. Therefore, AAB requests the following amendment to §73.202 of the Commission's rules:

Dos Palos, California

Present	Proposed
None	240A

Livingston, California

Present	Proposed
240A	None ⁴

6. The re-allotment of Channel 240A to Dos Palos will provide first local service to Dos Palos, while not depriving Livingston of its only service. Once Channel 240A is allotted to Dos Palos, AAB will submit FCC Form 301 requesting authority to make minor changes in the facilities of KNTD to specify Dos Palos as its community of license.

7. As result of the proposed re-allotment, there will be an area to the north of the present KNTD site, which is presently receiving service from the station, that will no longer have a 60 dBu service from the facility following the allotment. Attached, as Exhibit #3, is a reception service study demonstrating there are five other full-time aural services which provide service to the entire area that will lose service. Further, there is also an area in which the 60 dBu service area of KNTD will be extended as a result of the proposed re-allotment.

8. Attached, as Exhibit #4, is a map showing the five full-time services presently in the gain area, not considering KNTD. The stations providing full-time services are listed on each of

4) FM stations KLVN and KYCC will remain licensed/authorized in Livingston.

the respective map exhibits. In both cases, there are a minimum of five full-time facilities providing service.⁵ As such, both areas are considered well served.

9. The foregoing technical statement was prepared on behalf of All American Broadcasting, Inc., by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. All data related to FM facilities was extracted from the NTIA database. We assume no liability for errors or omissions in the database which may adversely affect the requests contained herein.

5) There are additional stations providing service to various portions of the gain and loss area. However, they were not listed since it was determined there were already five services within both areas.

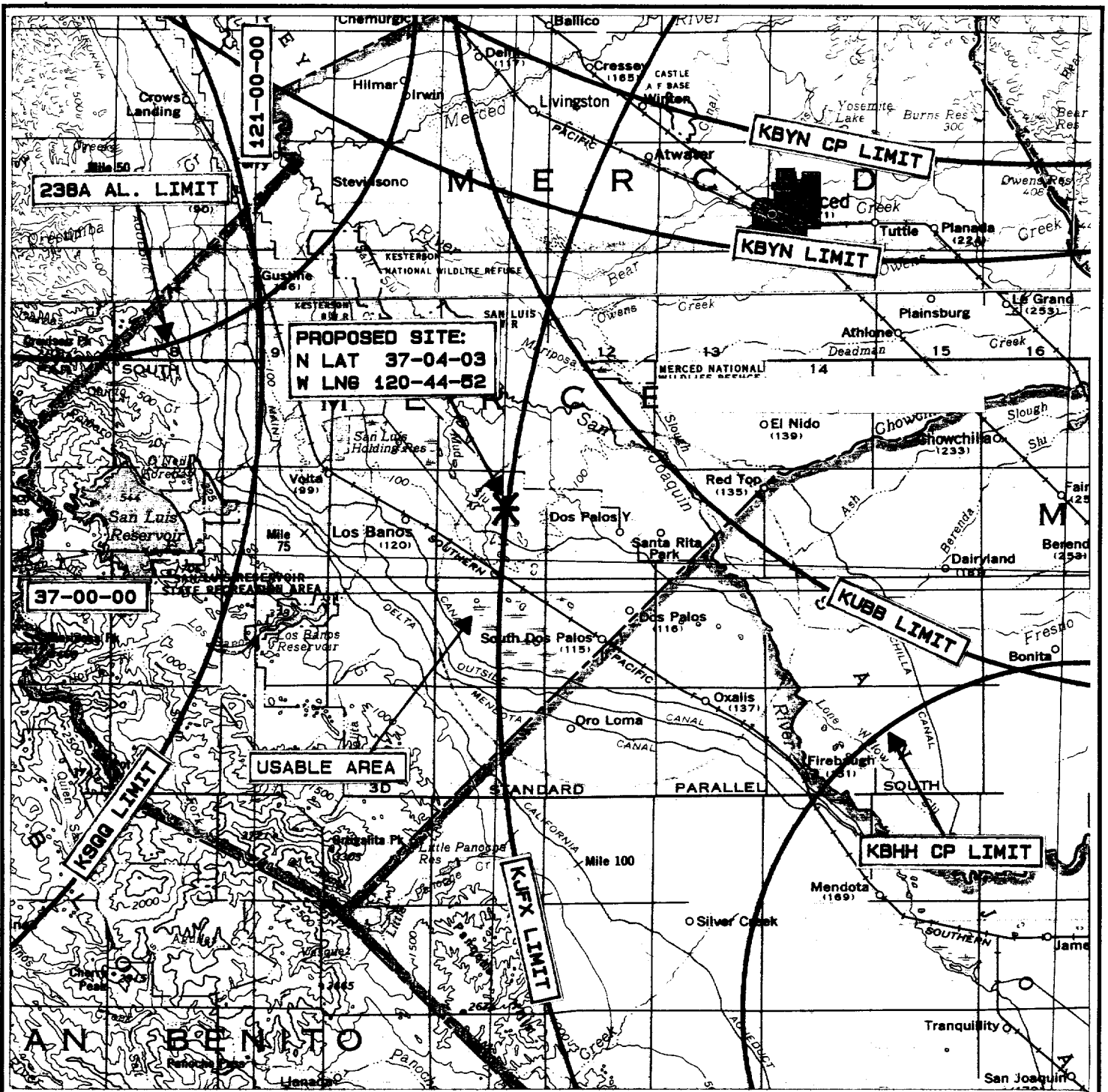
**PETITION FOR RULE MAKING
ALL AMERICAN BROADCASTING, INC.
RE-ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA
March 2000**

EXHIBIT #1

ALLOCATION STUDY FOR DOS PALOS, CALIFORNIA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
37 04 03 N	CLASS A	DATA 03-01-00
120 44 52 W	Current rules spacings	SEARCH 03-09-00
----- CHANNEL 240 - 95.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD240	240A	Dos Palos	CA	0.0	0.0	115.0	-115.00
AD	37 04 03	120 44 52	0.000 kW	0M	0.0	71.5	
> Change in Community of license							
KNTD	240A	Livingston	CA	4.7	27.65	115.0	-87.35
LI CN	37 18 57	120 43 20	3.000 kW	93M	17.2	71.5	
All American Broadcasting Co.					BLH-841113KK		
KJFX	239B	Fresno	CA	96.3	113.09	113.0	0.09
LI CN	36 56 55	119 29 09	17.500 kW	259M	70.3	70.2	
Mesosphere Broadcasting LTD					BLH-880616KB		
KUBB	242B	Mariposa	CA	50.8	82.36	69.0	13.36
LI CN	37 32 00	120 01 29	1.900 kW	644M	51.2	42.9	
Buckley Broadcasting Corp.					BLH-870202KH		
KSQQ	241A	Morgan Hill	CA	278.2	94.61	72.0	22.61
LI CN	37 11 01	121 48 09	4.700 kW	49M	58.8	44.8	
Coyote Communications, Inc.					BLH-940801KD		
KBYN	240A	Arnold	CA	15.2	142.14	115.0	27.14
LI CN	38 18 07	120 19 08	0.500 kW	334M	88.3	71.5	
Golden Pegasus Financial Service					BLH-951010KF		
ALOPEN	238A	Westley	CA	319.2	59.31	31.0	28.31
AL N	37 28 13	121 11 14	0.000 kW	0M	36.9	19.3	
MM Docket # 97-47							
KBHH.C	237A	Kerman	CA	131.0	68.71	31.0	37.71
CP CN	36 39 40	120 09 59	6.000 kW	100M	42.7	19.3	
Farmworker Educational Radio					BPH-960520MT		
KBYN.C	240A	Arnold	CA	18.3	153.48	115.0	38.48
CP CN	38 22 42	120 11 36	0.980 kW	246M	95.4	71.5	
Golden Pegasus Financial Service					BPH-981005IB		



USABLE AREA

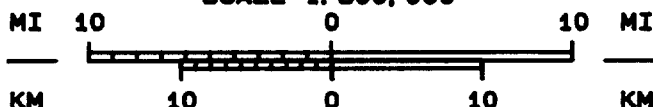
MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE STATE MAP OF CALIFORNIA.

EXHIBIT #2

PETITION FOR RULE MAKING
ALL AMERICAN BRDCTG., INC.
RE-ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA

March 2000

SCALE 1: 500, 000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

Graham Brock, Inc. - Broadcast Technical Consultants

Stations Providing Service :
KATM Ch 277B Modesto, CA
KOSO Ch 226B Patterson, CA
KHTN Ch 284B Los Banos, CA
KABX Ch 248B Merced, CA
KJMQ Ch 223A Atwater, CA

KGO 810 khs San Francisco, CA
KMBR 680 khs San Francisco, CA

KOSO 60 dBu

KATM 60 dBu

KJMQ 60 dBu

KNTD-FM (LIC) 60 dBu

KNTD

KNTD-PROP.

KNTD-FM (PROP) 60 dBu

KABX 60 dBu

KHTN 60 dBu

EXHIBIT #3
PETITION FOR RULE MAKING
ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA
March 2000

Scale 1:1,500,000



Graham Brock, Inc. - Broadcast Technical Consultants

Stations Providing Service :

KQLB Ch 295A Los Banos, CA
 KDON Ch 273B Salinas, CA
 KHTN Ch 284B Los Banos, CA
 KABX Ch 248B Merced, CA
 KJMQ Ch 223A Atwater, CA
 KAJF Ch 234A Firebaugh, CA

KGO 810 khz San Francisco, CA
 KMBR 680 khz San Francisco, CA

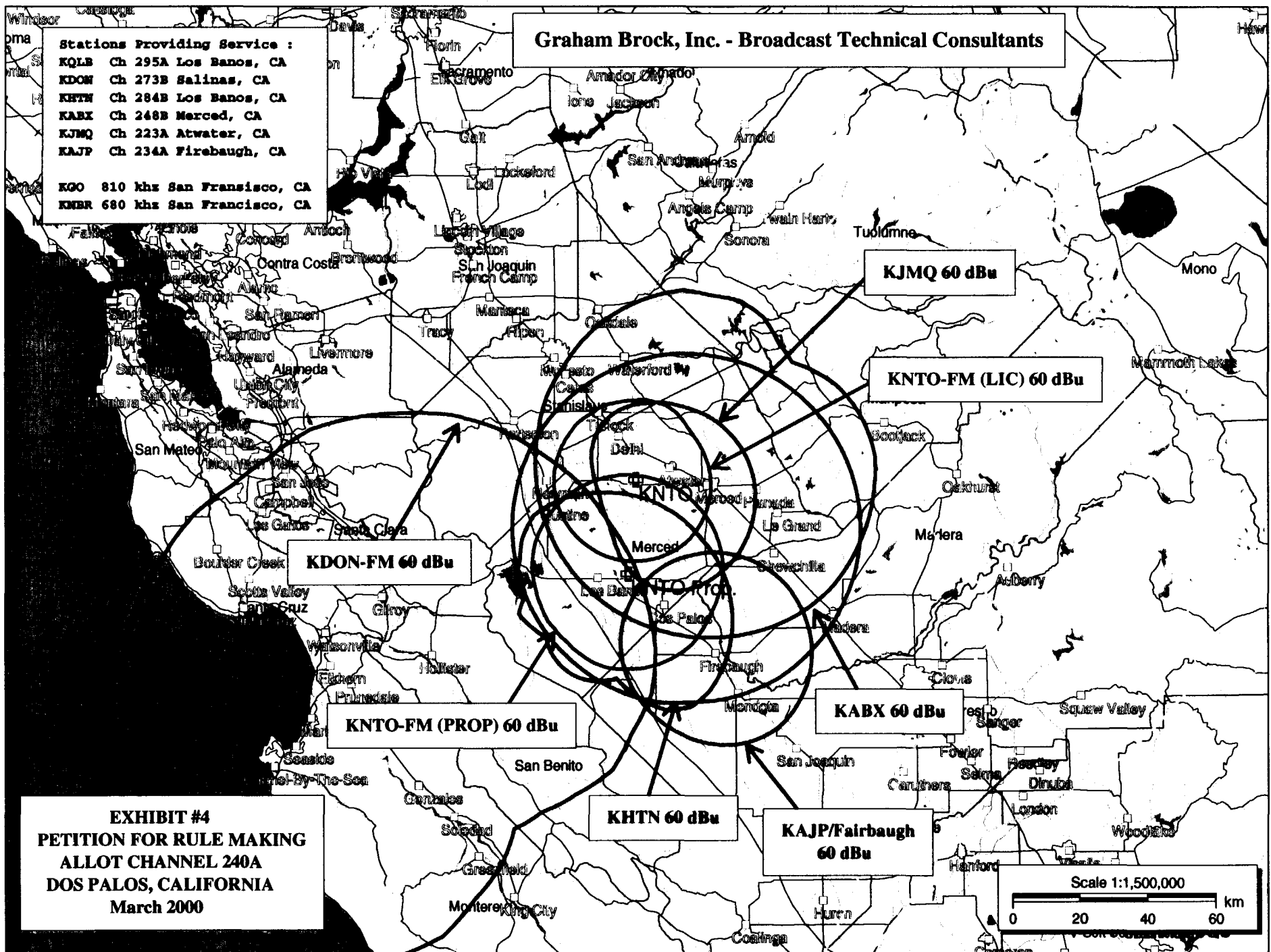


EXHIBIT #4
PETITION FOR RULE MAKING
ALLOT CHANNEL 240A
DOS PALOS, CALIFORNIA
March 2000

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

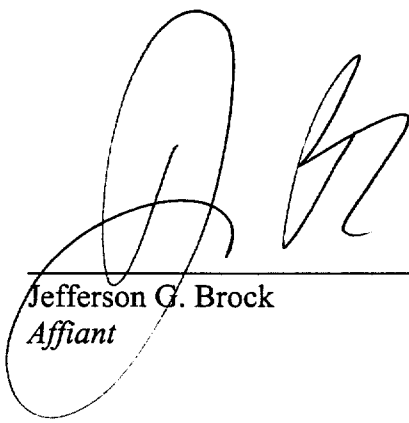
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by All American Broadcasting, Inc., licensee of Radio Station KNTQ-FM, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 10th day of March, 2000.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 10th day of March, 2000.*



*Notary Public, State of Georgia
My Commission Expires: April 20, 2002*